

Message Text

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ORIGIN EB-07

INFO OCT-01 NEA-10 ISO-00 AGRE-00 CEA-01 CIAE-00 COME-00

DODE-00 FRB-01 H-02 INR-07 INT-05 L-03 LAB-04 NSAE-00

NSC-05 PA-02 AID-05 CIEP-02 SS-15 STR-04 ITC-01

TRSE-00 USIA-15 PRS-01 SP-02 FEAЕ-00 OMB-01 OPIC-06

XMB-04 /104 R

DRAFTED BY EB/IFD/OSB:RMBUCK:CJR

APPROVED BY EB/IFD - RRYAN, ACTING

NEA/IRN;RBEALES

COMMERCE/CAGNE:DRYAN

TREASURY:JGORLIN

EB/IFD/OSB:EKLAWSON

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EB/IFD/BP:WLOCKWOOD

L/EB:SBENSON (INFO)

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FM SECSTATE WASHDC

TO AMEMBASSY TEHRAN

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E.O. 11652: N/A

TAGS: ETRD, EINV, IR, US

SUBJECT: AFFIDAVIT REQUIRING DISCLOSURE OF FOREIGN
COMPANY AGENTS

1. WE CONTINUE TO RECEIVE NUMEROUS INQUIRIES ABOUT
GOI REQUIREMENT THAT FOREIGN COMPANY DOING BUSINESS
WITH NON-MILITARY ENTITIES OF THE GOI SUBMIT PROPERLY

LEGALIZED AFFIDAVIT GIVING NAME OF ANY AGENT TO WHICH
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IT PAYS COMMISSION, FEE, OR OTHER CONSIDERATION AND

DESCRIBING THE NATURE OF FINANCIAL ARRANGEMENTS AND SERVICES PROVIDED. (IN DOING BUSINESS WITH IRANIAN MILITARY, AFFIDAVIT MUST SPECIFY THAT NO AGENTS, COMMISSIONS, ETC. ARE INVOLVED).

2. IN ORDER TO RESPOND TO QUESTIONS FROM BUSINESSMEN AND LAWYERS, WE NEED MORE INFORMATION ABOUT ACTUAL GOI POLICY AND PRACTICE WITH RESPECT TO USE OF AGENTS AND MIDDLEMEN.

3. ACTION REQUESTED: (1) PLEASE POUCH TO DEPT. COPY OF RELEVANT IMPERIAL DECREE AND ANY REGULATIONS GOVERNING DISCLOSURE STATEMENT AND (2) CABLE ANSWERS TO FOLLOWING QUESTIONS AS SOON AS POSSIBLE:

A. UNDER EXACTLY WHAT CIRCUMSTANCES ARE FOREIGN COMPANIES REQUIRED TO PROVIDE THE AFFIDAVIT?

B. WHAT DECREES, LAWS, OR REGULATIONS GOVERN SUCH REQUIREMENTS?

C. WOULD FAILURE TO PROVIDE AFFIDAVIT CONSTITUTE SOURCE OF LEGAL LIABILITY (1) IF THE FOREIGN COMPANY HAS RECEIVED FORMAL REQUEST TO PROVIDE AFFIDAVIT, OR (2) IF NO SUCH REQUEST HAS BEEN MADE?

D. IS THE AFFIDAVIT BEING USED AS ANYTHING MORE THAN DISCLOSURE STATEMENT, WHICH APPEARS TO HAVE BEEN INITIAL INTENTION OF ITS DRAFTERS?

E. HAVE ANY PROSECUTIONS OR OTHER ADMINISTRATIVE OR JUDICIAL DETERMINATIONS BEEN BASED ON EITHER DATA OBTAINED FROM OR OTHER CIRCUMSTANCES ASSOCIATED WITH THE AFFIDAVIT?

F. HAS THE GOI PUBLISHED ANY REGULATIONS CONCERNING THE RIGHT OF FOREIGN COMPANIES TO DEAL THROUGH AGENTS AND/OR MIDDLEMEN IN CONDUCTING BUSINESS WITH THE IRANIAN GOVERNMENT WITH RESPECT TO NON-MILITARY SALES OR CONTRACTING?

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G. TO WHAT EXTENT IS REQUIREMENT FOR AFFIDAVIT SUSCEPTIBLE TO VARYING INTERPRETATION AND/OR IMPLEMENTATION BY INDIVIDUAL MINISTRIES OR AGENCIES?

H. DO ALL MINISTRIES HAVE SAME REQUIREMENTS FOR LEGALIZATION OF AFFIDAVIT?

I. HAS THE GOI GIVEN ANY INDICATION REGARDING THE PREFERRED MECHANICS OF EXECUTION WHERE THE AFFADAVIT IS EXECUTED IN THE U.S. (WE HAVE HAD CONFLICTING SIGNALS: IN SOME CASES IRANIAN CONSULATES HAVE ACCEPTED NOTARIZATION ONLY; IN OTHERS, A LOCAL CHAMBER OF COMMERCE AUTHENTICATION OF A NOTARIZATION HAS BEEN ACCEPTED; IN STILL OTHERS, THE DEPARTMENT'S ADDITIONAL AUTHENTICATION HAS BEEN REQUIRED). ROBINSON

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